



Notice of Appeal From the Primary Examiner to the
Board of Patent Appeals and Interferences (37 CFR 1.191)

Date of Mailing: December 14, 2006

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In the United States Patent and Trademark Office

In re application of: James P. Elia

Docket No.: 1000-10-CO1

Serial No. 09/836,750

Group No.: 1646

Filed: April 17, 2001

Examiner: Elizabeth C. Kemmerer, Ph.D.

For: METHOD FOR GROWING MUSCLE
IN A HUMAN HEART

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited
with the United States Postal Service as First Class Mail
in an envelope addressed to MAIL STOP AF, Commissioner for
Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

DECEMBER 14, 2006

Michael H. White 12/14/06
Signature Date of Signature

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant hereby appeals to the Board from the decision of the Primary Examiner mailed September 22, 2006 finally rejecting claims 236, 238, 239, 243-253, and 257-287.

The item(s) checked below are appropriate:

1. Status of Applicant

This application is on behalf of
☒ a small entity

2. Fee for Filing Notice of Appeal

Pursuant to 37 CFR 1.17(e) the fee for filing the Notice of Appeal is:

☒ a small entity

Notice of Appeal fee due: \$ 250.00

3. Extension of Term

a) ☐ Extension requested:

<u>Extension (months)</u>	<u>Fee for small entity</u>
one month	\$ 55.00
two months	\$ 215.00
three months	\$ 490.00
four months	\$ 765.00
five months	\$1,040.00

☐ Request Extension for ____ month(s) = Fee \$ _____

Extension fee due: \$ _____

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- ☐ An extension for _____ months has already been secured and the fee paid; therefore \$_____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$_____

OR

- b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

4. **Total Fee Due**

☒ The total fee due is:

☒ Notice of Appeal fee \$250.00

☐ Extension fee (if any) \$_____


Total Fee Due: \$ 250.00

5. **Fee Payment**

☒ Attached is Check No. 1217 in the sum of \$ 250.00

Date: December 14, 2006

Reg. No.: 26,611



Signature of attorney

Gerald K. White

Type or print name of attorney

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